

Remarks/Arguments

Claims 1 and 35-57 are pending in the Application.

Claims 1 and 35-57 are rejected.

Claims 1, 48, and 52-57 are amended herein.

I. REJECTIONS UNDER 35 U.S.C. § 112, ¶ 2

Examiner has rejected Claims 52-57 under 35 U.S.C. § 112, ¶ 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Examiner contends that it is not clear how “buckypaper” differs from a felt since both a felt and buckypaper are a mat of ropes of carbon nanotubes.

In order to facilitate prosecution, Applicant has amended Claims 52-57 such that they are all now directed to a mat of single-wall carbon nanotubes. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of Claims 52-57 under 35 U.S.C. § 112, ¶ 2.

II. REJECTIONS UNDER 35 U.S.C. § 102(b)

Examiner has rejected Claims 1 and 35-57 under 35 U.S.C. § 102(b) as being anticipated by PCT publication number WO 97/09272 to Smalley *et al.*, filed September 6, 1996 (“*Smalley*”).

Applicant respectfully points out that the present Application is a divisional of U.S. parent patent application Serial No. 08/687,665 filed July 26, 1996 and issuing as United States Patent No. 6,183,714 on February 6, 2001 (“the ‘665 Patent Application”). Parent application 08/687,665 claims benefit from U.S. provisional patent applications Serial Nos. 60/003,449 and 60/016,313, filed September 8, 1995 and May 8, 1996, respectively (“the ‘449 Provisional Patent Application” and “the ‘313 Provisional Patent Application”). It is also worth noting that *Smalley*, which was filed about six weeks *after* the ‘665 Patent Application (which is the *verbatim* parent application for the present Application), claims priority to the same three patent applications to which the present Application claims priority (*i.e.*, the ‘665 Patent Application,

the '449 Provisional Patent Application, and the '313 Provisional Patent Application). Thus, the present Application has the identical effective filing dates as *Smalley*. Accordingly, *Smalley* cannot be and is not prior art to the present Application.

Applicant has amended the Specification of the present Application to reflect the patent priority lineage discussed above.

In light of the foregoing, Applicant respectfully requests that the Examiner withdraw the rejection of Claims 1 and 35-57 under 35 U.S.C. § 102(b) as being anticipated by *Smalley*.

III. CONCLUSION

As a result of the foregoing, it is asserted by Applicant that the Claims in the Application are now in a condition for allowance, and Applicant respectfully requests an early allowance of such Claims. Applicant respectfully requests that the Examiner call Applicant's attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.
Attorneys for Applicant

By: 

Ross Spencer Garsson
Reg. No. 38,150

P.O. Box 50784
Dallas, Texas 75201
(512) 370-2870